

REMARKS

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 33-64 are pending, with claims 33, 59, and 64 being the independent claims. Claims 59-63 are amended. This amendment is believed to introduce no new matter, and its entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request the Examiner to reconsider and withdraw all outstanding objections and rejections.

Rejections under 35 U.S.C. § 101

In the Office Action, the Examiner rejects claims 59-63 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter. Paper No. 20070424, page 2. Although Applicants respectfully disagree, this rejection has been rendered moot in light of the above amendment. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 59-63, and allowance thereof.

Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejects claims 33-53, 56, and 59-64 under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,821,871 to Benzler (“Benzler”). Paper No. 20070424, page 2. Applicants respectfully traverse.

First, the Examiner rejects the above claim under paragraph (b) of section 102 of title 35 of the United States Code. Paragraph (b), as noted by the Examiner in the Office

Action, requires the invention(s) recited in claims 33-53, 56, and 59-64 to have been “patented...more than one year prior to the date of [Applicants’] application for patent.” Applicants application was filed on May 26, 2005 but claims priority to U.S. Provisional Application 60,069,202, which was filed on December 11, 1997 (as acknowledged by the USPTO records). Benzler, however, was patented on October 13, 1998, which is **not** more than one year prior to the date of Applicants’ application. Therefore, the Examiner’s rejection is improper.

Even if the Examiner’s rejection was properly grounded (which it is not), Benzler does not teach each and every element, limitation, and/or feature of claims 33-53, 56, and 59-64. For example referring to independent claim 33, Benzler does not teach “presenting a human ability challenge having a response component, the human ability challenge having distorted content to reduce the possibility of computerized identification of the content,” as recited therein.

To support the rejection of claim 33, the Examiner cites various passages from Benzler (namely, col. 6, lines 38-47; and col. 6, lines 1-5), and argues that Benzler teaches:

a methodically self identifying where a person concerned demonstrates in the face of a third party that he/she is really a certain human being. That is Benzler’s authentication methods demonstrates that the responses received was provided by a human. (Paper No. 20070424, page 4, *emphasis added.*)

The Examiner has failed to distinctly and specifically point out any passage of Benzler that teaches “presenting a human ability challenge having a response component,

the human ability challenge *having distorted content to reduce the possibility of computerized identification of the content*,” as recited in claim 33. Although Benzler’s person-specific psychometrical information (PSPI) is described to include a principal part and a complement (col. 6, lines 38-47; and col. 6, lines 1-5), Benzler does not describe that any portion of its PSPI (principal part or complement) includes “distorted content to reduce the possibility of computerized identification of the content.” Therefore, the Examiner has not pointed out where each element, limitation, and/or feature of claim 33 is taught by the alleged prior art.

It should be further noted that claims 37, 38, and 51 depend indirectly from claim 33, and further recites the “response component” as having a “distorted visual representation,” “distorted audio representation,” and “noisy textual image,” respectively. To support the rejection of claims 37 and 51, the Examiner argues:

Benzler teaches that associated elements of PSPI is arranged in the form of a matrix or columns and a basic number (BZ) is attributed to columns from which a characteristic result number (EZ) is mathematically calculated, see col. 7, lines 45-67. This characteristic result number (i.e., **noisy textual image or distorted representation**) is presented to the ID card owner by the authentication device, see example 13, col. 17, lines 10-16, see also Fig. 12A. (Paper No. 20070424, page 4, *emphasis added*).

Nowhere in the Office Action does the Examiner mentions claim 38, which recites *inter alia* “distorted audio representation.” Nonetheless, a “characteristic result number” cannot anticipate either a “distorted visual representation,” or a “noisy textual image.” Although Benzler describes that its characteristic result number is a calculated

function of a basic number attributed to an associated element, Benzler does not describe that the characteristic result number is distorted. Referring to FIG 12A of Benzler, a user interface for a touch-screen is illustrated to display the basic number (BZ) and characteristic result number (EZ). Neither the basic number (BZ) nor the characteristic result number (EZ) is distorted by any reasonable definition of the term “distorted.” (See Paragraph 0065 of the published application of Applicants’ specification.)

Therefore, Benzler does not anticipate claim 33. Independent claims 59 and 64 recite features similar to independent claim 33, and are patentable over Benzler for at least the above reason(s). Dependent claims 34-53, 56, and 60-64 depend, directly or indirectly, from independent claims 33, 59, and 64, respectively. The dependent claims therefore are also patentable over Benzler for at least the above reason(s) in addition the features recited therein.

It should also be noted that, in the Office Action, the Examiner has not identified any passage of Benzler to teach the limitations of dependent claims 38, 59, and 60-63. Applicants assume that the Examiner intended to allow these claims, and request a corrected office action to indicate such allowance, or a corrected nonfinal office action to identify a document that supports the above rejection of these claims.

Applicants, nonetheless, respectfully request reconsideration and withdrawal of the rejection of claims 33-53, 56, and 59-64, and allowance thereof.

Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner rejects claims 54, 55, 57, and 58 under 35 U.S.C. 103(a) as allegedly being unpatentable over Benzler in view of U.S. Patent No.

5,491,752 to Kaufman *et al.* (“Kaufman”). Paper No. 20070424, page 6. Applicants respectfully traverse.

Claims 54, 55, 57, and 58 depend indirectly from independent claim 33. Therefore, these dependent claims are patentable over Benzler for at least the above reason(s) in addition the features recited therein. More specifically, Benzler does not teach or suggest “presenting a human ability challenge having a response component, the human ability challenge having distorted content to reduce the possibility of computerized identification of the content,” as recited in independent claim 33.

Kaufman fails to cure the deficiencies of Benzler since Kaufman also fails to teach or suggest the above feature, either alone or in combination with Benzler. Furthermore, the Examiner is reminded that Kaufman has been cited to support the Examiner’s assertion that “encryption/decryption in password security/authentication is well-known in the art.” Paper No. 20070424, page 6. However, the Examiner should note that Benzler specifically teaches that, for its PSPI authentication method, “there is no need for cryptographic protection of stored responses and no risk of repetitive guessing of responses by a persistent intruder.” (Benzler at col. 6, lines 60-63). Therefore, Benzler teaches away from the assertions made by the Examiner, and hence, the additional features recited in claims 54, 55, 57, and 58.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 54, 55, 57, and 58, and allowance thereof.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is kindly invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 02-4270.

Respectfully submitted,

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